

EXECUTIVE COUNCIL OF IOWA

MINUTES

FEBRUARY 17, 2020

The Executive Council met in regular session at 10:06 a.m. in Room G09 of the Capitol Building with Governor Kim Reynolds presiding. Secretary Paul Pate (via telephone), Auditor of State Rob Sand and Treasurer of State Michael Fitzgerald were present. Secretary of Agriculture Michael Naig was absent.

Regular Session
February 17, 2020

Moved by Treasurer Fitzgerald and seconded by Auditor Sand that the Council approve the minutes of the Executive Council meeting held January 27, 2020.

Minutes Approved

The vote: Ayes: Governor Reynolds
 Secretary Pate
 Auditor Sand
 Treasurer Fitzgerald
 Nays: None

Christie Templeton, Department of Human Services, was present to request a transfer of funds in the amount of \$10,504.87 pursuant to Iowa Code §29C.20B.

Personal
Appearance

Moved by Auditor Sand and seconded by Treasurer Fitzgerald that the Executive Council approve the request.

The vote: Ayes: Governor Reynolds
 Secretary Pate
 Auditor Sand
 Treasurer Fitzgerald
 Nays: None

Commissioner Stephan Bayens, Department of Public Safety, was present to request a Resolution of Funds in the amount of \$3,000.00 pursuant to Iowa Code §29C.20(5).

Moved by Auditor Sand and seconded by Secretary Pate that the Executive Council approve the request.

The vote: Ayes: Governor Reynolds
 Secretary Pate
 Auditor Sand
 Treasurer Fitzgerald
 Nays: None

Moved by Treasurer Fitzgerald and seconded by Auditor Sand that the Council approve the request from the Department of Justice, Attorney General's office as follows:

Approved Outside
Counsel

- A. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Debra J. Breckenridge v. Iowa Judicial Branch, State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.
Attorney: Ryan Clark
 505 5th Avenue
 Suite 729
 Des Moines, IA 50309
Rate: \$140.00 Per Hour

The vote: Ayes: Governor Reynolds
 Secretary Pate
 Auditor Sand
 Treasurer Fitzgerald
 Nays: None

Moved by Auditor Sand and seconded by Secretary Pate that the Council approve the request from the Department of Justice, Attorney General's office as follows:

Approved Special
Counsel

- A. The Department of Justice, Attorney General's Office, requests retention of special counsel to represent Iowa State University pursuant to Iowa Code section 13.7 in a trademark enforcement action against Jersey Cyclone Brewing Company. All attorney fees and costs to be paid directly by Iowa State University.

Firm: McKee, Voorhees & Sease, PLC
 801 Grand Ave
 Suite 3200
 Des Moines, IA 50302

Rate: \$250.00 Per Hour (Attorney)
\$70.00 Per Hour (Paralegal)

The vote: Ayes: Governor Reynolds
Secretary Pate
Auditor Sand
Treasurer Fitzgerald
Nays: None

Moved by Treasurer Fitzgerald and seconded by Auditor Sand that the Council approve the request from the Department of Justice, Attorney General's office as follows:

- B. The Department of Justice, Attorney General's Office, requests retention of special counsel pursuant to Iowa Code section 13.7 to retain special counsel to represent Iowa State University in *Speech First, Inc v Wintersteen*, Case No. 4:20-cv-2-SMR-SBJ.

Firm: Belin McCormick
666 Walnut Street
Suite 2000
Des Moines, IA 50309
Rate: \$350.00 Per Hour

The vote: Ayes: Governor Reynolds
Secretary Pate
Auditor Sand
Treasurer Fitzgerald
Nays: None

Moved by Treasurer Fitzgerald and seconded by Auditor Sand that the Council approve the following:

Approved Outside
CPA Firm

- A. Request from Rob Sand, Auditor of State to employ the services of HoganTaylor LLP CPA firm to perform an audit of the Iowa Fund of Funds, Fund A, L.L.L.P., for the year ending December 31, 2019 as required by Section 15E.65(2)(g) of the Code of Iowa. The total reimbursement for the audit shall not be for more than \$17,500.00.

TAB # 6, 7

The vote: Ayes: Governor Reynolds
Secretary Pate
Treasurer Fitzgerald
Secretary Naig
Nays: None

Moved by Secretary Pate and seconded by Auditor Sand that the Council approve the requests as follows:

Approved
Emergency
Allocations

- A. Board of Regents – University of Iowa requested an emergency allocation and reimbursement in the amount \$236,223.95. On January 4, 2018 cold temperatures caused frozen and burst pipes to various buildings and equipment. Request was to cover repair costs. This represents full and final payment and this allocation closed.
- B. Board of Regents – University of Iowa requested an emergency allocation and reimbursement in the amount \$25,364.74. On September 5, 2018 a fire caused damages to the building and equipment in Trowbridge Hall. Request was to cover repair costs. This represents full and final payment and this allocation closed.
- C. Board of Regents – University of Iowa requested an emergency allocation and reimbursement in the amount \$205,708.25. On January 5, 2019 a fractured chilled water pop caused water damage at the Westlawn Facility. Request was to cover repair costs. This represents full and final payment and this allocation closed.
- D. Board of Regents – University of Iowa requested an emergency allocation in the amount \$153,050.54. On January 30, 2019 a frozen/burst pipe caused water damage to the building and equipment at the Iowa Medical Laboratories. Request was to cover repair costs.
- E. Board of Regents – University of Iowa requested an emergency allocation in the amount \$23,360.30. On August 13, 2019 a frozen/burst pipe caused water damage to the building and equipment at the Iowa Medical Laboratories. Request was to cover repair costs.
- F. Board of Regents – University of Iowa requested an emergency allocation in the amount \$28,000.00. On September 4, 2019 a power surge damaged an MRI magnet at Towncrest Center. Request was to cover repair costs.
- G. Iowa Communications Network requested a supplemental emergency allocation in the amount \$14,663.84. This will increase the total allocation to \$28,241.45. On April 19, 2019 ICN sustained cable damage due to excessive erosion along 150th Street in Fayette County. Request was to cover repair costs. This represents full and final payment and this allocation closed.
- H. Iowa Communications Network requested a supplemental emergency allocation in the amount of \$2,728.66. This will increase the total allocation to \$23,436.78. On April 30, 2019 ICN sustained cable damage due to excessive erosion along Highway 20 in Webster County. Request was to cover repair costs. This represents full and final payment and this allocation closed.

- I. Iowa Communications Network requested a supplemental emergency allocation in the amount \$6,072.71. This will increase the total allocation to \$29,788.54. On March 13, 2019 ICN sustained cable damage due to erosion along Highway 2 near Shenandoah. Request was to cover repair costs. This represents full and final payment and this allocation closed.
- J. Iowa Communications Network requested an emergency allocation in the amount of \$8,385.00. On September 16, 2019 ICN sustained cable damage due to erosion along Highway 58 and Black Hawk Creek in Black Hawk County. Request was to cover repair costs.
- K. Iowa Communications Network requested an emergency allocation in the amount of \$20,028.15. On September 16, 2019 ICN sustained cable damage due to excessive erosion and rodent chewing along Highway 18 at Boone River in Hancock County. Request was to cover repair costs.
- L. Department of Administrative Services requested a supplemental emergency allocation in the amount \$85,220.68. This will increase the total allocation to \$477,513.15. On June 22, 2019 water damaged the Hoover Building due to flooding. Request was to cover repair costs.
- M. Department of Administrative Services requested an emergency allocation in the amount \$8,616.26. On July 20, 2019 storms caused tree damage on the Capitol Complex. Request was to cover repair costs.
- N. Department of Administrative Services requested an emergency allocation in the amount \$2,159.59. On August 20, 2019 flooding caused damage to the Capitol Complex. Request was to cover repair costs. This represents full and final payment and this allocation closed.
- O. Department of Administrative Services requested an emergency allocation and reimbursement in the amount \$20,289.19. On October 28, 2019 Vehicle #1318 was damaged by a deer. Request was to cover repair costs. This represents full and final payment and this allocation closed.
- P. Department of Administrative Services requested an emergency allocation in the amount \$2,746.25. On November 11, 2019 Vehicle #105698 was damaged by a deer. Request was to cover repair costs.
- Q. Department of Administrative Services requested an emergency allocation and payment in the amount \$11,151.00. On November 22, 2019 Vehicle #105801 was damaged by a deer. Request was to cover repair costs. This represents full and final payment and this allocation closed.

- R. Department of Public Safety requested an emergency allocation in the amount \$3,199.62. On October 16, 2019 State Patrol Vehicle #235 was damaged by a raccoon. Request was to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- S. Department of Public Safety requested an emergency allocation in the amount \$9,182.88. On October 21, 2019 State Patrol Vehicle #89 was damaged by a deer. Request was to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- T. Department of Public Safety requested an emergency allocation in the amount \$5,043.37. On October 28, 2019 State Patrol Vehicle #425 was damaged by a deer. Request was to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- U. Department of Public Safety requested an emergency allocation in the amount \$3,715.60. On November 18, 2019 State Patrol Vehicle #50 was damaged by a deer. Request was to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- V. Department of Public Safety requested an emergency allocation in the amount \$4,589.09. On December 19, 2019 State Patrol Vehicle #98 was damaged by a deer. Request was to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- W. Department of Natural Resources requested an emergency allocation in the amount \$31,887.64. On May 5, 2019 there was a theft at Brushy Creek State Park and Prairie Resource Center. Request was to cover repair costs.

- X. Department of Natural Resources requested a supplemental allocation in the amount of \$9,668.80. This will increase the total allocation to \$23,668.80. On May 30, 2019 there was flood damage to the main access road at Lacey Keosauqua State Park. Request was to cover repair costs.

- Y. Department of Natural Resources requested a supplemental allocation in the amount of \$2,645.18. This will increase the total allocation to \$9,245.18. On May 31, 2019 there was flood damage to Cart Trail at Honey Creek Resort in Appanoose County. Request was to cover repair costs.
- Z. Department of Natural Resources requested an emergency allocation in the amount \$77,190.00. On June 30, 2019 a storm caused damages to Maquoketa Caves State Park. Request was to cover repair costs.
- AA. Department of Natural Resources requested an emergency allocation in the amount \$3,315.14. On October 2, 2019 flash flooding caused damages at Bixby State Preserve. Request was to cover repair costs.
- BB. Department of Corrections – Newton Correctional Facility requested an emergency allocation and reimbursement in the amount \$2,050.58. On November 30, 2019 a power surge damaged equipment. Request was to cover repair costs. This represents full and final payment and this allocation closed.
- CC. Iowa State Fair requested an emergency allocation and in the amount \$61,662.00. On October 1, 2019 strong winds caused roof damage to the Cattle Barn. Request was to cover repair costs.

The vote: Ayes: Governor Reynolds
 Secretary Pate
 Auditor Sand
 Treasurer Fitzgerald

 Nays: None

Moved by Secretary Pate and seconded by Treasurer Fitzgerald that the Council approve the following cost items:

Approved Payment
of Cost Items

- A. Department of Natural Resources.....\$13,381.89
 On September 29, 2016 floods damaged various Iowa state parks. Request was to cover repair costs. This represents partial payment.
- B. Department of Natural Resources.....\$11,584.07
 On May 27, 2018 severe storms caused damage at Clear Lake and McIntosh Woods State Parks in Cerro Gordo County. Request was to cover repair costs. This represents full and final payment and this allocation closed.
- C. Department of Natural Resources.....\$5,003.32
 On June 3, 2018 a fire damaged Pikes Point Shelter in Dickinson County. Request was to cover repair costs. This represents full and final payment, \$9,996.68 will be reverted and this allocation closed.

- D. Department of Natural Resources.....\$3,728.90
On June 19, 2018 heavy rains and flooding caused damage at Dolliver Memorial State Park in Webster County. Request was to cover repair costs. This represents partial payment.
- E. Department of Natural Resources.....\$5,394.75
On June 21, 2018 there was flood damage to Wilson Island State Recreation Area in Pottawatomie County. Request was to cover repair costs. This represents full and final payment and this allocation closed.
- F. Department of Natural Resources.....\$25,461.53
On June 21, 2018 heavy rains damaged multiple wildlife management areas. Request was to cover repair costs. This represents partial payment.
- G. Department of Natural Resources.....\$11,482.50
On March 14, 2019 George Wyth State Park in Black Hawk County was damaged by flooding. Request was to cover repair costs. This represents partial payment.
- H. Department of Natural Resources.....\$11,423.01
On May 23, 2019 the lift station at Lake of Three Fires State Park in Taylor County was damaged by a storm. Request was to cover repair costs. This represents full and final payment, \$93.00 will be reverted and this allocation closed.
- I. Iowa Communications Network.....\$26,381.11
On February 22, 2019 ICN sustained cable damage due to erosion along I-80 in Pottawattamie County. Request was to cover repair costs. This represents full and final payment, \$5,176.16 will be reverted and this allocation closed.
- J. Iowa Communications Network.....\$40,236.36
On March 14, 2019 ICN sustained cable damage due to erosion along Highway 34 in Mills County. Request was to cover repair costs. This represents full and final payment and this allocation closed.
- K. Board of Regents – University of Iowa.....\$15,624.32
On June 23, 2019 excessive rain water damaged a building on Iowa Center for Higher Education Campus. Request was to cover repair costs. This represents full and final payment and this allocation closed.
- L. Iowa State Fair\$36,608.00
On June 22, 2019 strong winds and a fallen tree caused roof damage to Paddock. Request was to cover repair costs. This represents full and final payment, \$495.00 will be reverted and this allocation closed.

- M. Department of Administrative Services.....\$18,865.60
On August 31, 2019 vehicle #1782 was damaged by a deer. Request was to cover repair costs. This represents full and final payment and this allocation closed
- N. Department of Administrative Services.....\$7,002.01
On June 5, 2019 Vehicle #1789 was damaged by hail. Request was to cover repair costs. This represents full and final payment, \$557.08 will be reverted and this allocation closed.
- O. Hall Render Killian Heath & Lyman P.C. (Baker).....\$699.09
PO Box 771910
Detroit, MI 48277-1910
University of Iowa Hospitals and Clinics (UIHC) Appeals
- P. Hall Render Killian Heath & Lyman P.C. (Baker).....\$1,048.03
PO Box 771910
Detroit, MI 48277-1910
University of Iowa Hospitals and Clinics (UIHC) Appeals
- Q. Hall Render Killian Heath & Lyman P.C. (Baker).....\$251.09
PO Box 771910
Detroit, MI 48277-1910
University of Iowa Hospitals and Clinics (UIHC) Appeals
- R. Simmons Perrine Moyer Bergman PLC.....\$300.00
115 Third Street SE, Suite 1200
Cedar Rapids, IA 52401
Tobacco Settlement Authority
- S. Patterson Law Firm L.L.P.....\$436.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Dena Nelson v. Glenwood Resource Center, State of Iowa and Second Injury Fund of Iowa
- T. Patterson Law Firm L.L.P.....\$156.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Richard Adrian v. University of Iowa, State of Iowa and Second Injury Fund of Iowa

- U. Patterson Law Firm L.L.P.....\$612.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Belifia "Lou" Parks vs. Iowa Department of Transportation, State of Iowa and Second Injury Fund of Iowa
- V. Patterson Law Firm L.L.P.....\$1,120.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Donald E. Dietz v. Iowa Department of Transportation, State of Iowa and Second Injury Fund of Iowa
- W. Patterson Law Firm L.L.P.....\$378.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Jason Loving v. Iowa Department of Transportation, State of Iowa and Second Injury Fund of Iowa
- X. Patterson Law Firm L.L.P.....\$230.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Lori Deere vs. Iowa Department of Transportation, State of Iowa and Second Injury Fund of Iowa
- Y. Patterson Law Firm L.L.P.....\$252.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Robert James Conrad vs. Woodward Resource Center, State of Iowa and Second Injury Fund of Iowa
- Z. Patterson Law Firm L.L.P.....\$196.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Cherie Kreger v. University of Northern Iowa, State of Iowa and Second Injury Fund of Iowa

AA. Patterson Law Firm L.L.P.....\$98.00

729 Insurance Exchange Building

505 Fifth Avenue

Des Moines, IA 50309-2390

Rory Aschbrenner vs. Iowa State University, State of Iowa and Second Injury

Fund of Iowa

BB. Patterson Law Firm L.L.P.....\$84.00

729 Insurance Exchange Building

505 Fifth Avenue

Des Moines, IA 50309-2390

Melody Colvin v. Woodward Resource Center, State of Iowa and Second Injury

Fund of Iowa

CC. Richard J. Bennett, Sr.....\$4,164.00

PO Box 65666

West Des Moines, IA 50265

Special Counsel for the Criminal Appeals Division of the Iowa Attorney

General's Office

The vote: Ayes: Governor Reynolds

Secretary Pate

Auditor Sand

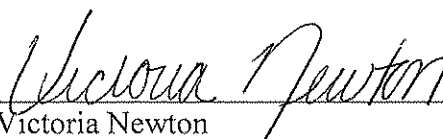
Treasurer Fitzgerald

Nays: None

Moved by Auditor Sand and seconded by Treasurer Fitzgerald that the meeting adjourn.

Meeting adjourned

Respectfully submitted,


Victoria Newton
Executive Secretary